



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07/03/2023

PRESENT

The Hon'ble Mr. Justice G.K. ILANTHIRAIYAN
CRL OP(MD) No.1841 of 2023

G.Rani

... Petitioner/Accused (Rank No Known)

Vs

the state The state rep.by
The Inspector of Police,
District Crime Branch,
Madurai.
(Crime No.1 of 2023)

... Respondent/De Jure Complainant

For Petitioner : Mr.S.Malaikani, Advocate

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.1 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 420, 465, 467, 468, 471 of I.P.C in Crime No.1 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the property comprised in Survey No.87 belonged to the defacto complainant by name Gurusamy Gounder. After his demise, the defacto complainant and his mother Alagammal are the owners. While so, on 16.02.2022, the first accused sold the property to the third accused and in the sale deed, the second accused signed as a witness and again the third accused sold the property in the year 2017 to the fourth accused. The petitioner along with other accused fabricated the document. Hence, the complaint.

3. The learned counsel appearing for the petitioner would



submit that the petitioner signed as a witness in the sale deed and she has nothing to do with the alleged crime and after 10 years, the complaint has been lodged.

4. The learned Additional Public Prosecutor (Crl.Side) appearing for the respondent would submit that the investigation is pending and opposed for granting anticipatory bail to the petitioner.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and also considering the fact that the petitioner signed as a witness in the sale deed, the custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate for Land Grabbing Cases, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme



CRL OP(MD)



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/03/2023

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PS

TO

1 JUDICIAL MAGISTRATE FOR LAND GRABBING CASES,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.MALAIKANI.S Advocate SR.No.3531(I)

ORDER
IN
CRL OP(MD) No.1841 of 2023
Date :07/03/2023

VA/SAR-3/(13.03.2023)/3P/6C